

<sup>1</sup> OWCP File No. xxxxxx808 is accepted for a traumatic injury occurring on August 5, 2016 causing right knee sprain.

By decision dated January 2, 2018, OWCP denied appellant's occupational disease claim for a medical condition arising on or about September 6, 2017. It found that the medical evidence of record was insufficient to establish causal relationship between a diagnosed medical condition and the accepted factors of his federal employment.

On March 27, 2018 appellant requested reconsideration. Additional evidence including reports from Dr. Frank J. Schlehr, a Board-certified orthopedic surgeon, was submitted. In a February 21, 2018 report, Dr. Schlehr reported appellant injured his right knee on September 6, 2017 while delivering mail and was diagnosed with a Grade 1 PCL tear and medial compartmental osteoarthritic changes. He noted that appellant had previously injured the same knee on August 5, 2016 and tore his PCL and had returned to work at a full-duty status by the end of October 2016. Dr. Schlehr examined appellant's previous medical records and opined that the right knee suffered further damage since the original injury. He explained that the new episode of instability and knee joint effusion with increased medial joint pain was consistent with further sprain of the PCL. There was also exacerbation of osteoarthritis as well as daily wear-and-tear from the duties of his job. Based on these medical findings and appellant's job description, Dr. Schlehr concluded that the long-term work activities from October 2016 to August 2017 caused the degradation of the injury to the right knee. He further opined that appellant was able to work in a limited capacity due to this injury.

By decision dated June 21, 2018, OWCP denied modification of the January 2, 2018 decision, finding that the medical evidence was of insufficient probative value to support causal relationship. It explained that there was no clear-cut medical opinion, based on an accurate factual and medical history, which cited to objective findings and which described exactly how the work factors of appellant's employment caused, aggravated, precipitated or accelerated appellant's right knee conditions.

OWCP continued to receive medical progress reports from Dr. Schlehr.

On January 3, 2019 appellant requested reconsideration. By decision dated March 5, 2019, OWCP denied modification of the June 21, 2018 decision, finding that the medical evidence of record failed to provide the physiological process by which appellant's work activities as a city carrier caused and/or aggravated the diagnosed medical conditions. On May 9, 2019 appellant requested reconsideration. By decision dated August 7, 2019, OWCP denied modification of the March 5, 2019 decision. On January 28, 2020 appellant requested reconsideration. He also noted his disagreement with OWCP's decision and submitted additional reports from Dr. Schlehr. By decision dated April 14, 2020, OWCP denied modification of its August 7, 2019 decision. OWCP received additional medical reports from Dr. Schlehr and statements from appellant dated March 19 and April 2, 2021.

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On April 3, 2021 appellant again requested reconsideration. By decision dated April 30, 2021, OWCP denied modification of its April 14, 2020 decision.

The Board has duly considered this matter and concludes that the case is not in posture for decision.

OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.<sup>2</sup> For example, if a new injury is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>3</sup>

In the instant case, appellant had a prior traumatic injury claim for his right knee in OWCP File No. xxxxxx808. He then filed a recurrence claim which OWCP converted to a new occupational disease claim for injury to the same body part, assigned OWCP File No. xxxxxx 446. As both claims involve injuries to appellant's right knee, for a full and fair adjudication, the Board will remand the case to OWCP to administratively combine OWCP File Nos. xxxxxx446 xxxxxx808.<sup>4</sup> This will allow OWCP to consider all relevant claim files and accompanying evidence in developing the present claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

**IT IS HEREBY ORDERED THAT** the April 30, 2021 merit decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: May 24, 2022  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>2</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>3</sup> *Id.*; see *P.B.*, Docket No. 19-1532 (issued April 30, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

<sup>4</sup> *E.J.*, Docket No. 21-1044 (issued March 16, 2022); *T.T.*, Docket No. 21-0049 (issued May 3, 2021); *S.D.*, Docket No. 19-0590 (issued August 28, 2020).